

House Bill 1192 (AS PASSED HOUSE AND SENATE)

By: Representative O'Neal of the 146th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 48-6-4 of the Official Code of Georgia Annotated, relating to
2 recording of instruments and payments of real estate transfer tax, so as to change certain
3 provisions relating to payment and distribution of the real estate transfer tax when property
4 is located in more than one county; to provide for related matters; to repeal conflicting laws;
5 and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 48-6-4 of the Official Code of Georgia Annotated, relating to recording of
9 instruments and payments of real estate transfer tax, is amended by revising subsection (e)
10 as follows:

11 "(e) The certificate entered upon or attached physically or electronically to the deed,
12 instrument, or other writing shall be recorded with the deed, instrument, or other writing
13 and shall be in the physical or electronic form required by the commissioner. In each case,
14 however, the certificate shall bear the signature of the clerk or his or her deputy. The
15 certificate may be relied upon by subsequent purchasers or lenders as evidence that the
16 proper tax has been paid. In the event any deed, instrument, or other writing upon which
17 tax is imposed by this article is required to be recorded in more than one county, the
18 required tax shall be prorated among all applicable counties and the amount paid to the
19 clerk or his or her deputy of the county in which the deed, instrument, or other writing is
20 first recorded shall be that proportion of the total tax due calculated by applying the ratio
21 of the value of the real property in such county as it bears to the total value of the real
22 properties in all counties described in the deed, instrument, or other writing to the total tax
23 due. Such proportions shall be calculated pursuant to the most recently determined fair
24 market valuations of the property as determined by the county board of tax assessors. All
25 such values shall be disclosed on the face of the deed, instrument, or other writing or,
26 alternatively, may be submitted in the form of an affidavit by the holder presenting the

27 deed, instrument, or other writing for recording. The original or a duplicate original
28 executed copy or counterpart of such deed, instrument, or other writing shall be presented
29 for recording in all counties in which the real property is located, and the clerk or the
30 clerk's deputy of each county may rely upon the sworn original or a duplicate original
31 certification of values in determining the amount of tax due and payable in that county and
32 collect such portion of the tax imposed by Code Section 48-6-1 and enter the same upon
33 the deed, instrument, or other writing."

34 **SECTION 2.**

35 All laws and parts of laws in conflict with this Act are repealed.